

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:22-CV-655-RJC-DCK**

WILBUR DE LEON,

Plaintiff,

v.

GLOBAL TILING, INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER IS BEFORE THE COURT on the parties’ “Motion To Stay Case For An Additional Thirty (30) Days” (Document No. 25) filed June 21, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

Having carefully considered the motion and the record, the undersigned will grant the motion. The Court has previously advised the parties that further extensions were unlikely to be allowed; nevertheless, the undersigned will permit this additional extension in light of the unique circumstances.

This is the parties’ fifth motion to stay. On May 30, 2023, in their fourth request to stay, counsel represented to the Court that “[d]ue to a personal illness” the “Parties require slightly more time to complete their settlement negotiations . . . until June 14, 2023.” (Document No. 25)

The instant motion does not mention any issue with illness, but now asserts that “the parties’ settlement discussions have fallen apart because Defendant’s parent corporations have been placed under the control of a general receiver appointed by” the Superior Court of Mecklenburg County, North Carolina, on or about June 16, 2023. (Document No. 27, p. 1).

The undersigned notes that this action was filed on December 7, 2022, and the parties have still failed to conduct an Initial Attorney's Conference. It appears that counsel have, at best, been overly optimistic in their repeated representations to the Court that settlement was imminent. At worst, counsel and/or the parties have misled the Court and unnecessarily delayed this action for many months.

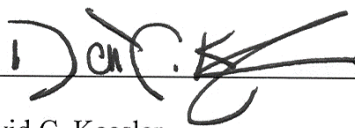
Defendant's counsel has indicated that they are unable to participate in this lawsuit, at this time, "but do not oppose this Motion." (Document No. 27, p. 2).

IT IS, THEREFORE, ORDERED that the "Motion To Stay Case For An Additional Thirty (30) Days" (Document No. 25) is **GRANTED**. This case is **STAYED** until **July 24, 2023**.

IT IS FUTHER ORDERED that the parties shall file a Notice of Settlement, or conduct an Initial Attorneys' Conference and file a Certificate of Initial Attorney's Conference, on or before **July 24, 2023**. In the alternative, Plaintiff shall **SHOW CAUSE** why this action should not be **DISMISSED**.

SO ORDERED.

Signed: June 23, 2023



David C. Keesler
United States Magistrate Judge

